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cc Mayor Ann
Council 7/28/88
JET 2501

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

SEP 23 1988

RECEIVED
REPLY TO
MAIL ROOM

SEP 26 1988

CITY OF ALBION

CITY MANAGER

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

CITY OF ALBION
ALBION CITY HALL, CITY MANAGER
112 WEST CASS
ALBION, MI 49224Must get
doctored
for COA
Brooks

Re: Request for Information Pursuant to Section 104(e) of CERCLA
and Section 3007 of RCRA, for Albion-Sheridan Township Landfill,
Calhoun County, Michigan.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or about the Albion-Sheridan Township Landfill, Calhoun County, Michigan. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site, to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a federal court of up to \$25,000 for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to:

Nancy Justis
Superfund Program Management Branch 545-11
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60601

If you have any questions, please direct such questions to Nancy Justis, at (312) 353-9046.

Thank you for your cooperation in this matter.

Sincerely,



Mary Gade, Acting
Associate Division Director for Superfund

Enclosure

ALBION-SHERIDAN TOWNSHIP LANDFILL
CALHOUN COUNTY, MICHIGAN

FIRST SET OF INFORMATION REQUESTS

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the respondent as of the date of submission of his/her response, should information later become known by or available to the respondent, respondent must supplement its response to U.S. EPA. Moreover, should the respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

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7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of the Respondent between 1945 and 1982. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq.

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(September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(a)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(a)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "the Facility" shall mean and include the property on or about the Albion-Sheridan Township Landfill, Calhoun County, Michigan.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.

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5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms, "furnish," "describe," or "identify" or "indicate," shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

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10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
11. "Transaction" means every separate act, deal, instance, or occurrence.
12. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy

which has any writing, figure or notation, annotation on the face of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
14. The term "property interest" means any interest in property, including, without limitation, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owns or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
15. The term "asset" as used herein, includes without limitation the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interests in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every question below, identify all persons consulted in the preparation of the answer.
3. For each and every Question below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. List the EPA Identification Numbers of the Respondent.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
6. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons.
7. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at the Site.
8. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances at the Site? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance.
 - b. The persons who supplied you with each such hazardous substance disposed of otherwise handled by you.
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
 - d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.

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9. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances that have occurred at the Site. In addition, identify:
- a. When such releases occurred.
 - b. How the releases occurred.
 - c. What hazardous substances were released.
 - d. What amount of each hazardous substance was so released.
 - e. Where such releases occurred.
 - f. Any and all activities undertaken in response to each such release or to threatened releases of hazardous substances at the Site.
 - g. Any and all investigations of the circumstances, nature extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
 - h. All persons with information relating to these releases.
10. Have you or any other person ever accepted hazardous substances for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
- a. The persons from whom you or such other persons accepted hazardous substances for transport.
 - b. Every date on which hazardous substances were so accepted or transported.
 - c. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance.
 - d. The owner of the hazardous substances so accepted or transported.
 - e. The quantity of the hazardous substance involved (weight or volume) in each transaction and the total quantity for all transactions.
 - f. All tests or analyses and analytical results concerning each hazardous substance.

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- g. The precise locations to which each hazardous substance actually was transported.
 - h. The person(s) who selected the Site as the place to which hazardous substances were to be transported.
 - i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received.
 - j. Where the person identified in i., above, intended to have such hazardous substances transported and all evidence of this intent.
 - k. Whether the hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal.
 - l. What was done to the hazardous substances once they were brought to the Site.
 - m. The final disposition of each of the hazardous substances involved in such transactions.
 - n. The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the hazardous substance involved in each transaction.
 - o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.
11. Identify all persons, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances at or to the Site. In addition, identify:
- a. The persons with whom you or such other persons made such arrangements.
 - b. Every date on which such arrangements took place.
 - c. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance.
 - d. The owner of the hazardous substances so disposed or treated.

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- e. The quantity of the hazardous substance involved (weight or volume) in each transaction and the total quantity for all transactions.
 - f. All tests or analyses and analytical results concerning each hazardous substance.
 - g. The precise locations at which each hazardous substance actually was disposed or treated.
 - h. The person(s) who selected the Site as the place at which hazardous substances were to be disposed or treated.
 - i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received.
 - j. Where the person identified in i., above, intended to have such hazardous substances treated or disposed and all evidence of this intent.
 - k. Whether the hazardous substances involved in each transaction were transhipped through, or were stored or held at any intermediate site prior to final treatment or disposal.
 - l. What was done to the hazardous substances once they were brought to the Site.
 - m. The final disposition of each of the hazardous substances involved in such transactions.
 - n. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the hazardous substance involved in each transaction.
 - o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.
12. Identify all liability insurance policies held by Respondent from 1966 to 1982. In identifying such policies, state:
- a. the name and address of each insurer and of the insured;
 - b. the amount of coverage under each policy;
 - c. the commencement and expiration dates for each policy;

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- d. whether or not the policy contains a "pollution exclusion" clause; and
- e. whether or not the policy covers sudden, nonsudden or both types of accidents.